



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,027	05/24/2001	Anthony Previte	2193/IG456US1	2896

7590 10/03/2002

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/865,027	Applicant(s) PREVITE
	Examiner James O. Hansen	Art Unit 3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on May 24, 2001

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) Other: _____

Art Unit: 3637

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 & 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 5, line 2, the phrases "said side panels" and "said end panels" do not have a proper antecedent basis. Consequently, the remaining claims are rendered indefinite because they are dependent upon a rejected claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gavin et al., [U.S. Patent No. 4,843,788]. Gavin (figures 1-4) teaches of a security locker comprising: a pair of opposing side walls and a pair of opposing end walls extending upwardly from a floor and connected together (see fig. 1); a ventilation section (13 for example) formed of at least one opening in an upper part of at least one of the walls; and a ceiling (14) disposed on the upper ends of the walls and having a plurality of ventilation openings (grating / mesh).

Art Unit: 3637

5. Claims 1-3 & 5 are rejected under 35 U.S.C. 102(b) as being anticipated by British publication 22,471 [Bendall]. Bendall (figures 1-4) teaches of a security locker comprising: a pair of opposing side walls and a pair of opposing end walls extending upwardly from a floor and connected together (see figs. 1-4); a ventilation section (c' for example) formed of at least one opening in an upper part of at least one of the walls; and a ceiling (top of locker) disposed on the upper ends of the walls and having a plurality of ventilation openings (c²). The walls being formed by respective panels each having spaced parallel skins (see fig. 3 for example), the at least one ventilation section including openings (a') in the opposing skins, wherein the plurality of openings are spaced apart and offset from the openings of the opposing skin so as to restrict viewing into the interior of the locker. Additionally, the locker comprises a plurality of support members (b³ for example) connected between the upper ends of the walls, the ceiling formed by a plurality of panels (parallel skins) supported by the support members.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 & 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over British publication 22,471. Bendall teaches applicant's inventive claimed concept as disclosed above, but

Art Unit: 3637

does not show the top-most ceiling panel of the “parallel skin” configuration as having openings. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the ceiling of Bendall so as to incorporate openings in the upper most “skin” because the reference teaches the use of openings utilized within a parallel skin arrangement [openings in both panels of the vertical walls] as being old and well known; additionally, openings located in the top-most ceiling panel would increase the dissipation rate of heat leaving the interior since the air could escape with minimum redirection [as opposed to being redirected out the sides of the enclosure via (f)].

8. Claims 6 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over British publication 22,471 in view of Melane et al., [U.S. Patent No. 6,039,414]. Bendall teaches applicant’s inventive claimed concept as disclosed above, but does not show an equipment mounting station connected within the locker. However, Melane (figures 1-6) teaches of a security locker (10) having an equipment mounting station (80) connected within. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the locker of Bendall so as to incorporate a mounting station as taught by Melane because such an arrangement would provide Bendall with the means to securely support equipment that may be placed within the locker.

Art Unit: 3637

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. M. Bullock, Bretschneider et al., German publication 100317, Mayer, H. Bullock, Anderson et al., Clark Jr., and Chen describe "security locker" structures.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2168. **Fax numbers for Official Papers** are as follows:

Before Final (703) 872-9326 & After Final (703) 872-9327.

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



James O. Hansen
Primary Examiner
Technology Center 3600

JOH
September 30, 2002